CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☑ Force	☐ Discourt.	U.S.
Ariel Courage		Squad #6	201501832	☐ Abuse	O.L.	✓ Injury
Incident Date(s)		Location of Incident:	1	Precinct:	18 Mo. SOL	EO SOL
Sunday, 03/01/2015 3:41 AM		80 Road and Austin St	reet	102	9/1/2016	9/1/2016
Date/Time CV Reported		CV Reported At:	How CV Reported:	: Date/Time	e Received at CCF	RB
Sun, 03/01/2015 5:03 AM		IAB	Phone	Mon, 03/1	6/2015 11:07 AN	1
Complainant/Victim	Type	Home Addre	ess			
Subject Officer(s)	Shield	TaxID	Command			
1. POM Nicholas Ruiz	16041	933304	102 PCT			
2. POM Frank Lasala	18360	950727	102 PCT			
3. POM Christophe Distefano	23840	950332	102 PCT			
4. POM Richard Mann	02746	917918	102 PCT			
Witness Officer(s)	Shield N	o Tax No	Cmd Name			
1. SGT Gregory Abrahams	04441	907684	102 PCT			
2. POM Jason Michaud	26656	933996	102 PCT			
3. POM Matthew Hynes	28542	940279	102 PCT			
4. LT Michael Edmonds	00000	930090	102 PCT			
5. SGT James Centeno	02503	929864	102 PCT			
Officer(s)	Allegatio	on		Inve	estigator Recon	mendation
A.POM Frank Lasala	Force: Post 87(2)(b)	O Frank Lasala used phy	ysical force against			
B.POM Christophe Distefano	Force: Possible 87(2)(b)	Force: PO Christopher Distefano used physical force against \$87(2)(b)				
C.POM Richard Mann	Force: Post 87(2)(b)	Force: PO Richard Mann used physical force against \$87(2)(b)				
D.POM Nicholas Ruiz	Force: Poasp.	O Nicholas Ruiz struck	§ 87(2)(b)	with an		

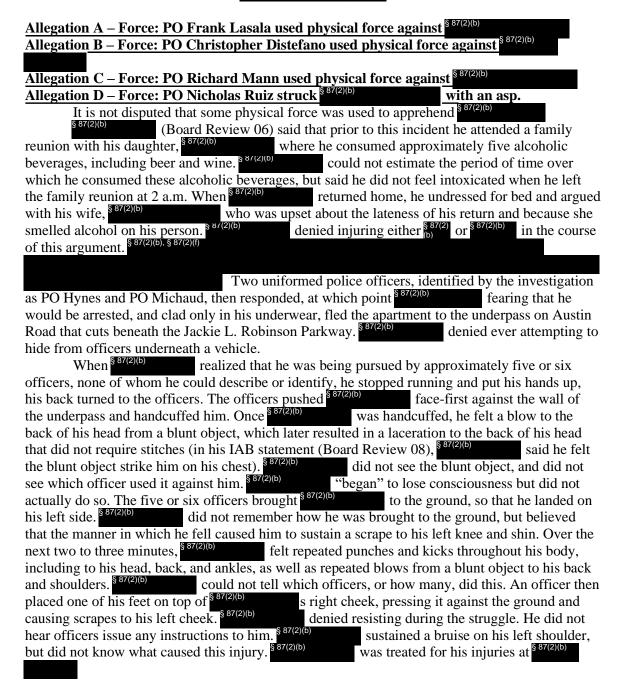
Case Summary

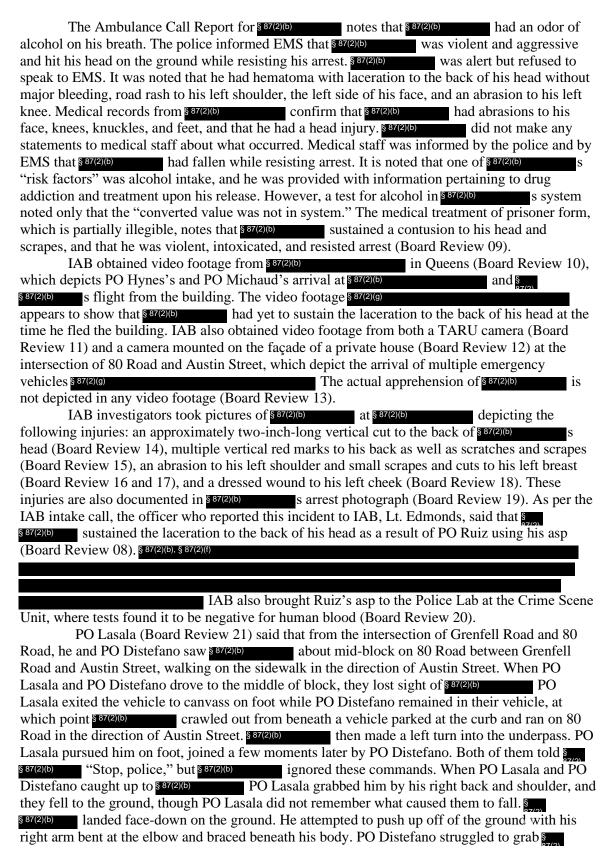
On March 1, 2015, Lt. Michael Edmonds of the 102 nd Precinct called IAB to report an
injury to a prisoner, §87(2)(b) (original log number 15-5372). On March 16, 2015, the
complaint was referred to the CCRB. On March 1, 2015, at approximately 2:41 a.m., PO
Matthew Hynes and PO Jason Michaud responded to a report of a domestic dispute at §87(2)(b)
, in Queens. When they arrived at that location, they encountered
who was nude but for a pair of boxers, as well as his wife, §87(2)(b) and
• old daughter, § 87(2)(b) both of whom had visible injuries, and both of whom said
\$ 87(2)(b) had assaulted them.
When PO Hynes and PO Michaud attempted to arrest 887(2)(b) for assault, 8
§ 87(2)(b) fled from § 87(2)(b) . PO Hynes and PO Michaud pursued § 87(2)(b)
on foot to the vicinity of Grenfell Street and 80 Road, where they lost sight of him. They
requested additional units. PO Richard Mann and PO Nicholas Ruiz responded. PO Michaud and
PO Hynes climbed into the backseat of their RMP to continue canvassing for \$87(2)(b)
Another RMP containing PO Frank Lasala and PO Christopher Distefano also responded.
While canvassing, PO Lasala and PO Distefano again saw §87(2)(b) on 80 Road in
between Austin Street and Grenfell Street. When they attempted to stop §87(2)(b) he fled in
the direction of the underpass on Austin Street that cuts beneath the Jackie L. §87(2)(b) Parkway.
PO Lasala and PO Distefano relayed their location to PO Mann and PO Ruiz. In the course of
apprehending and handcuffing \$87(2)(b) PO Lasala and PO Distefano used physical force
against him by bringing him to the ground and allegedly kicking and punching §87(2)(b)
(Allegations A and B). When PO Mann and PO Ruiz arrived, they left PO Michaud and PO
Hynes locked in the backseat of their vehicle, and PO Michaud and PO Hynes therefore did not
participate in the struggle with \$87(2)(b) PO Mann also assisted in handcuffing
and allegedly participated in kicking him and punching him (Allegation C), while PO
Ruiz struck \$87(2)(b) with his asp about his upper back and the back of his head (Allegation
D).
§ 87(2)(b) was arrested and charged with § 87(2)(a) 160.50
criminal obstruction of breathing, resisting arrest, acting in a manner injurious to a child less
than 17 years of age, \$87(2)(a) 160.50 (Board Review 01).
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Mediation, Civil, and Criminal Histories
This case was not eligible for mediation due to §87(2)(b) s arrest. As of June 3,
2015, §87(2)(b) has not filed a Notice of Claim with respect to this incident (Board Review
()3) [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
Civilian and Officer CCRB Histories
• This is the first CCRB complaint filed by \$87(2)(b) (Board Review 05).
 PO Frank Lasala has been a member of the force for three years. This is the first CCRB
allegation against him.
 PO Christopher Distefano has been a member of the service for three years. § 87(2)(g)
• PO Richard Mann has been a member of the service for 18 years. §87(2)(9)

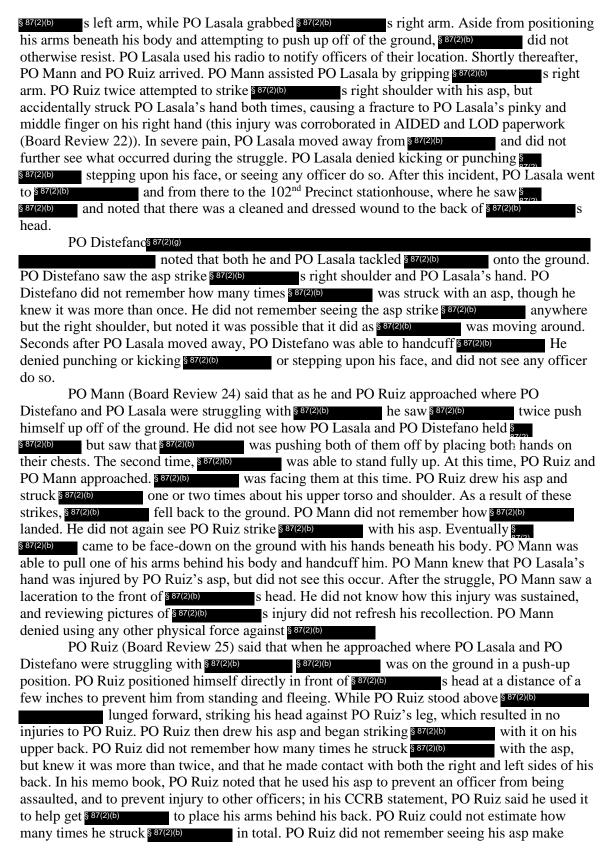
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- PO Nicholas Ruiz has been a member of the service for 11 years. Of the 12 prior allegations against him, six are allegations of physical force. One allegation against him was substantiated:
 - o In case 200509501, an allegation of premises entered and searched was substantiated. The Board recommended charges and PO Ruiz received instructions.

Results of Investigation







contact with the back of §87(2)(b) shead, and did not intentionally aim for that part of his
body. Once PO Ruiz saw PO Lasala moving away from \$87(2)(b) clutching his hand, he left
the struggle to ensure that PO Lasala was all right. As PO Ruiz left the struggle, he holstered his
asp. He did not clean it prior to holstering it, and did not observe any blood on the asp. Once he
saw that PO Lasala was receiving medical attention, PO Ruiz returned to wait with \$87(2)(b)
for an ambulance. At this time, PO Ruiz noticed marks to \$87(2)(b) s back, which he
believed were from the asp, though he did not remember how many he saw. He also saw that
was bleeding from the back of his head. He did not know what caused this injury.
Sgt. Centeno (Board Review 30) said that when responded to the scene, §87(2)(b)
was "violently" struggling with three or four officers, including PO Ruiz and PO Lasala, by
flailing his arms as though attempting to grab their legs. Sgt. Centeno saw PO Ruiz strike
with his asp more than once, though he could not be more specific as to how many
times, and did not see where the strikes landed. After §87(2)(b) was handcuffed, Sgt.
Centeno observed a cut to the back of his head. PO Ruiz told Sgt. Centeno that he may have
accidentally struck \$87(2)(b) on the head with his asp. When presented with pictures of the
red marks to \$87(2)(b) s back, Sgt. Centeno noted the marks were consistent with asp
strikes, though he did not actually know how these marks were sustained.
PO Hynes (Board Review 26) denied witnessing the struggle between officers and
because he was locked in the backseat of PO Ruiz's and PO Mann's vehicle.
Officers must use only the minimum amount of force necessary to overcome resistance.
<u>Patrol Guide</u> Procedure 203-11 (Board Review 27) A baton or nightstick blow to the head constitutes deadly force. <u>PD v. Bolusi</u> , OATH Index No. 593-92 (June 5, 1992) (Board Review
28). Officers are prohibited from using deadly physical force unless they have probable cause to
believe that they must protect themselves or another person from imminent death or serious
physical injury. Patrol Guide Procedure 203-12 (Board Review 29)
\$ 87(2)(9)
§ 87(2)(g)
G-07/QVA)
§ 87(2)(g)

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§ 87(2)(g)		
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Team:		
Investigator:		
Signature	Print	Date
Supervisor:		
Title/Signature	Print	Date
Reviewer:		

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	Title/Signature	Print	Date	
Reviewer:				
	Title/Signature	Print	 Date	_